

THE SMOKE CONTROL AREAS (AUTHORISED FUELS) (SCOTLAND) (NO 2) REGULATIONS 2008 (SSI 2008/295)

EXECUTIVE NOTE

1. Background

The Clean Air Act 1993 enables local authorities to declare smoke control areas in which it is an offence to emit smoke from chimneys. Premises within a smoke control area must either burn smokeless fuels or use appliances that burn smoky fuel, such as coal or wood, without creating smoke.

Section 20 of the Act generally prohibits the emission of smoke in control areas. Section 20(6) of the Act, however, enables Ministers to make regulations declaring fuels to be authorised for use in smoke control areas provided that no smoke, or only limited smoke, is emitted.

The fuels named in the Regulations, have been tested by AEA Technology on behalf of the Scottish Government and have been recommended for authorisation. All the models have passed the British Standard tests for smoke control areas. The Regulations will permit the manufacturers of these fuels to place them on the market for use in smoke control areas.

These are routine, non-controversial Regulations, which are technical in nature. The instrument is subject to negative resolution procedure.

2. Policy Objectives

The regulations will allow manufacturers to place these particular fuels on the market for use in smoke control areas. There will be no adverse impact on air quality. The majority of the fuels have already been exempted by previous regulations. The Smoke Control Areas (Authorised Fuels) (Scotland) Regulations 2008 consolidated these previous regulations in addition to adding several new authorised fuels, making it easier to identify authorised fuels. The current regulations revoke the previous 2008 regulations, adding one new fuel to those previously authorised (section 43).

The Regulations will be distributed to all local authorities and, for information to the Scottish Environment Protection Agency (SEPA). Local authorities are responsible for declaring and enforcing smoke control areas.

3. Consultation

On application for exemptions, technical experts at AEA Technology are consulted in order to test the fuels. Only those fuels which comply with inspection criteria, when used under specified conditions, are recommended for use in smoke control areas.

4. Effects of the Regulations

The Regulations will have no negative environmental impact, and has no socio-economic implications. It will merely permit the use of the specified fuels within certain areas.

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